

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JOSE GUZMAN,

Plaintiff,

-against-

MEL S. HARRIS AND ASSOCIATES, LLC

LR CREDIT 13, LLC

MEL S. HARRIS

DAVID WALDMAN

KERRY H. LUTZ

TODD FABACHER

MICHAEL YOUNG

SAMSERV, INC

JOHN ADINO

WILLIAM MLOTOK

Defendants.

Case No. 16-cv-03499-GBD-RLE

**NOTICE OF DEFENDANT LR CREDIT 13, LLC'S  
(AMENDED) MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, and upon all prior proceedings, pleadings, and filings in this action, Defendant LR Credit 13, LLC will move this Court at the United States Courthouse for the Southern District of New York, 500 Pearl Street, Courtroom 11A, New York, New York, before the Honorable George B. Daniels, United States District Judge, for partial judgment on the pleadings with respect to Plaintiff Jose Guzman's claim against LR Credit 13, LLC for punitive damages in excess of \$1000.00. Defendant LR Credit 13, LLC brings this motion pursuant to Rule 12(c) of the Federal Rules of Civil Procedure.

Dated: New York, New York  
December 16, 2016

Respectfully submitted,

HERBERT SMITH FREEHILLS NEW YORK LLP

By:       /s/ Scott S. Balber        
Scott S. Balber  
David W. Leimbach  
450 Lexington Ave, 14th Floor  
New York, New York 10017  
Tel: (917) 542-7600  
Fax: (917) 542-7601  
Scott.Balber@hsf.com  
*Attorneys for Defendant LR Credit 13, LLC*